

1 E. MARTIN ESTRADA
United States Attorney
2 DAVID M. HARRIS
Assistant United States Attorney
3 Chief, Civil Division
JOANNE S. OSINOFF
4 Assistant United States Attorney
Chief, Complex and Defensive Litigation Section
5 CHRISTINA A. MARQUEZ (Cal. Bar No. 305301)
DAVID PINCHAS (Cal. Bar No. 130751)
6 Assistant United States Attorneys
Federal Building, Suite 7516
7 300 North Los Angeles Street
Los Angeles, California 90012
8 Telephone: (213) 894-4061/2920
Facsimile: (213) 894-7819
9 E-mail: Christina.Marquez@usdoj.gov
E-mail: David.Pinchas@usdoj.gov

10 Attorneys for Federal Defendant
11 United States of America

12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 Esvin Fernando Arredondo Rodriguez,
15 individually and A.F.A.J., a minor, by
16 her guardian ad litem, Jeffrey Hamilton,

17 Plaintiffs,

18 v.

19 United States of America,

20 Defendant.

No. 2:22-cv-02845-JLS-JC

OBJECTION AND REQUEST TO
STRIKE PLAINTIFFS' REPLY BRIEF
(DKT. 173) FOR EXCEEDING THE
WORD COUNT

Hearing Date: March 29, 2024
Hearing Time: 10:30 a.m.
Ctrm: 8A

Honorable Josephine Staton
United States District Judge

1 DEFENDANT’S OBJECTION AND REQUEST TO STRIKE PLAINTIFFS’
2 REPLY BRIEF IN SUPPORT OF THEIR DAUBERT MOTION TO EXCLUDE DR.
3 WILLIAMSON (DKT. 173)(THE “REPLY”).

4 *Again*, Plaintiffs thwart this Court’s rules. This Court limits reply briefs to 4,200
5 words, yet Plaintiffs’ Reply exceeds the word count *by over 2,500 words*.¹ Plaintiffs did
6 not seek leave from the Court to exceed the word count before filing the reply, and
7 Plaintiffs cannot establish good cause to do so.

8 Courts have stricken briefs in these circumstances. *See Pac. Hosp. Grp. Ventures,*
9 *Inc. v. Zurich Am. Ins. Co.*, 2023 WL 5667873 (C.D. Cal. Aug. 3, 2023)(striking motion
10 for summary judgment for failure to comply with the Federal Rules of Civil Procedure
11 and the Local Rules and ordering refiling in compliance with the rules); *Floyd v.*
12 *Stoumbos*, 2020 WL 10337738 (M.D. Fla. July 28, 2020)(finding a motion to compel
13 unopposed because the Court struck the response to the motion for being untimely filed
14 and exceeding the word limit imposed by the Standing Order); *Abner v. Scott Mem’l*
15 *Hosp.*, 634 F.3d 962, 964 (7th Cir. 2011)(striking an oversized appellate brief and
16 summarily affirming the judgment of the district court).

17 This Court should similarly strike Plaintiffs’ Reply, considering Plaintiffs have
18 repeatedly failed to comply with the Court’s rules as evidenced by the violations
19 identified in Defendant’s repeated objections/request to strike Plaintiffs’ briefing (Dkt.
20 nos. 152, 159).

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¹ Pursuant to paragraph 8c. at pg. 5 of the Court’s Standing Order, “because reply briefs should by their nature be shorter...the Court imposes an additional limitation on reply briefs, limiting those to 4,200 words...” The Reply contains 6,719 words. *See* Dkt. 173 at Certificate of Compliance Pursuant to L.R. 11-6.2.

1 Dated: March 18, 2024

Respectfully submitted,

2 E. MARTIN ESTRADA

United States Attorney

3 DAVID M. HARRIS

Assistant United States Attorney

4 Chief, Civil Division

JOANNE S. OSINOFF

5 Assistant United States Attorney

Chief, Complex and Defensive Litigation Section

7 /s/ Christina Marquez

8 CHRISTINA MARQUEZ

Assistant United States Attorney

9 Attorneys for United States of America